

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AGROFRESH INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 16-662-MN
)	
ESSENTIV LLC, DECCO U.S. POST-)	
HARVEST, INC., CEREXAGRI, INC. d/b/a)	
DECCO POST-HARVEST, and UPL, LTD.,)	
)	
Defendants.)	
)	

DEFENDANTS’ RULE 50(A) MOTION FOR JUDGMENT AS A MATTER OF LAW

Defendants Essentiv LLC, Decco U.S. Post-Harvest, Inc., Cerexagri, Inc. and UPL, Ltd. (collectively “Defendants”) respectfully move for judgment as a matter of law that AgroFresh has failed to meet its burden to prove that Defendants have committed any of the following acts: (1) misappropriation of trade secrets; (2) unfair competition; (3) tortious interference with existing or prospective contracts or business relationships; (4) conversion; or (5) civil conspiracy. In addition, Defendants respectfully move for judgment as a matter of law that AgroFresh has failed to meet its burden to prove that Defendants have infringed claim 1 of the ’849 patent under the doctrine of equivalents; that UPL, Ltd. infringed claim 1 of the ’849 patent under any theory of infringement; or that Defendants have willfully infringed. Defendants further move for judgement as a matter of law that claim 1 of the ’849 patent is invalid under 35 U.S.C. §§ 102 and 112. Finally, Defendants move for judgement as a matter of law that AgroFresh has failed to prove that it is entitled to damages for lost profits, unjust enrichment for trade secret misappropriation, or punitive damages. Defendants move pursuant to Federal Rule of Civil Procedure 50(a)(1) (“Motion”). Support for this Motion may be found in Defendants’ brief filed

simultaneously herewith and for the reasons stated on the record during trial.

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